

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED

May 19, 2011

No. 301053

St Joseph Circuit Court

Family Division

LC No. 2009-000610-NA

In the Matter of C. MANN, Minor.

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Before: HOEKSTRA, P.J., and MURRAY and M. J. KELLY, JJ.

PER CURIAM.

Respondent appeals as of right the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). The trial court must also find that termination of parental rights is in the child's best interests. MCL 712A.19b(5). We review a trial court's factual findings in an order terminating parental rights for clear error. MCR 3.977(K); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

On appeal, respondent argues that the only condition that led to adjudication was her marijuana use because that was the only allegation that she admitted was true. Respondent concludes that because petitioner did not present clear and convincing evidence that she continued to use marijuana, the trial court erred in terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i).

In her argument, respondent does not mention that she also admitted that she was not adequately parenting her child as a result of the substance abuse and the behavior that went along with that drug use. The language of the statute suggests that in order to determine what "condition led to adjudication," the trial court must look at what act or circumstances precipitated petitioner's initial decision to file a petition. *In re Jackson*, 199 Mich App 22, 26; 501 NW2d 182 (1993). In this case, the overall condition that led to the filing of the initial petition was a neglectful situation caused by respondent's lack of parenting. Respondent's marijuana use was just one of the ways that she was being neglectful of her son.

At the time of the termination hearing, respondent had become more compliant with her drug screens and there was no evidence that she was currently using marijuana. However, respondent failed to address her substance abuse issues by not following through with the

recommendations of her substance abuse assessments and she failed to remedy her lack of parenting skills and lack of attachment to her son caused by her previous focus on her marijuana use. Accordingly, while respondent had recently made changes to her lifestyle, she had not rectified the conditions that led to adjudication.

Respondent testified that, on January 1, 2010, she changed and vowed to work harder toward regaining custody of her son. Respondent admitted that up to that time she had not done what she was supposed to do and had not made any real effort to comply with the trial court's orders. However, the evidence did not support respondent's claim that she had changed and was working harder to regain custody of her child. Respondent was not employed and was not currently pursuing her GED. Respondent did complete a psychological evaluation, but only after she missed two appointments and had to be transported to the appointment by a Protective Services worker. From January to May 2010, respondent missed numerous visits with the child and was sometimes late to the visits that she did attend. During this time, the infant mental health specialist emphasized to respondent the importance of visiting regularly with the child because it was impossible for respondent to progress and earn his trust when she missed visits. In June, after the trial court ordered the visits to be held at respondent's apartment and the child was delivered to her apartment, the visits became more consistent.

Respondent had been receiving services since the child was born and still showed minimal progress in her parenting skills. Initial parenting goals included making eye contact with the child and meeting with the child regularly. Respondent appeared to be going through the motions during the visits and often seemed overwhelmed at the end of a two-hour visit. Respondent did not initiate any play with her son. After the visits were moved to her apartment, respondent bought him toys, a bed, and a little table, and the visits were cozier, but respondent did not become more nurturing in that environment. As respondent's pregnancy with her second child progressed, she put movies in for the child to watch and nodded off during them. Respondent never progressed past supervised visitation because she never made any meaningful progress.

The workers who observed the visits between respondent and the child testified that respondent made very minimal progress in improving her parenting skills. If respondent was starting at the most basic of parenting skills, making eye contact with her child, and she minimally progressed, there was no reasonable expectation that she would be able to parent the child within a reasonable time.

Considering the above evidence, the trial court did not clearly err in concluding that clear and convincing evidence existed to terminate respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i) and (g).

The trial court also did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. Respondent did not even begin to actively participate in this case until June 2010, and then her participation consisted of visitation at her apartment where the child was brought to the visits. Before June 2010, respondent's visitation was very sporadic, which made even working on the simplest of goals difficult. Although at the time of the termination hearing respondent had a two-bedroom apartment, she failed to comply with most other aspects of the parent/agency agreement. Respondent failed to adequately address her

substance abuse issues, she did not have a job, and she had not improved her parenting skills. This evidence supported termination of respondent's parental rights.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Christopher M. Murray

/s/ Michael J. Kelly